UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In Re:

Rafael A Sosa,

Debtor(s).
______________________________________/

Chapter 7
Case No. 9:16-bk-03512-FMD

MOTION FOR APPROVAL OF STIPULATION FOR REPURCHASE OF NON-EXEMPT ASSETS

NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within 21 days from the date set forth on the proof of service attached to this paper plus an additional 3 days for service. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at United States Bankruptcy Court, 801 N. Florida Avenue, Suite 555, Tampa, FL 33602, and serve a copy on the movant's attorney, *Luis E. Rivera, II, 1715 Monroe Street, Fort Myers, FL 33901*, and a copy on Assistant U. S. Trustee, 501 E. Polk Street, Suite 1200, Tampa, FL 33602.

If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

COMES NOW, LUIS E. RIVERA, II, as Trustee in Bankruptcy of the above captioned matter, and he does hereby move unto this Honorable Court for approval of Stipulation For Repurchase of Non-Exempt Assets attached hereto, and as grounds therefore would state that he believes it would be in the best interest of the bankruptcy estate for the Stipulation to be approved since it allows the Debtors to repurchase their excess non-exempt assets at fair market value, and is not a compromise.

WHEREFORE, Movant prays that the stipulation be approved and the Debtors be allowed to repurchase their excess non-exempt assets in accordance with the terms stated therein.

Dated: October 21, 2016

HENDERSON, FRANKLIN, STARNES & HOLT, P.A.
Attorneys for the Trustee
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239. 344.1323
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By: /s/ Luis E. Rivera II
Luis E. Rivera II
Florida Bar No. 0013913

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Debtor(s).
_______________________________/

STIPULATION FOR REPURCHASE OF NON-EXEMPT ASSETS

COME NOW, Luis E. Rivera, II, as Trustee in Bankruptcy of the above captioned case, and Debtor(s), Rafael A Sosa, by and through their undersigned counsel, and they do hereby stipulate as follows:

1. Trustee and Debtor(s) have reached an agreement wherein Debtor(s) will repurchase the following non-exempt assets for a total purchase price of $4,600.00:

Asset No.	Description	Purchase Price[1]
2	2012 Chevrolet Equinox Lt Utility 4D	$ 1,958.57
3	Household Goods & Furnishings	$ 1,094.90
4	Clothing	$ 15.00
6	Suncoast Checking Acct. #6413	$ 1,526.53
9	Suncoast Savings Acct. #6413-00	$ 5.00

Debtor shall pay the total repurchase price in one lump sum payment, payable on or before November 15, 2016. **Said payment should be made payable to Luis E. Rivera, II, Trustee, and sent to 1715 Monroe Street, Fort Myers, FL 33901.**

2. Debtor(s) shall timely file any and all pre-petition tax returns, as well as any tax return for the year during which the petition was filed. Debtor(s) shall provide copies of said tax return(s) to the Trustee within 14 days of the filing of the return(s). To the extent Debtor(s) are entitled to any refund, Debtors shall pay to Trustee, after application of any exemption allowable under Section 222.25(3), Florida Statutes, the Estate's portion of said refund within fourteen (14) days of receipt.

3. The above described repurchase agreement is subject to Notice being sent to all creditors, and no objections being filed or higher bids being submitted. In the event a higher bid is received, Trustee shall notify Debtor(s) and arrange an auction. Further, in the event Debtor(s) is not the high bidder, for any property being repurchased at private sale, Debtor will receive a refund of any funds paid for said property.

4. With regard to any property being surrendered, vehicles, boats and trailers shall be delivered to the Trustee's designated representative within fourteen (14) days of the execution of this Stipulation, together with the original titles and keys. In the event the original titles or keys cannot be located, the Debtor shall apply and pay for a duplicate title and if keys cannot be located, the Debtor shall pay for the costs of obtaining same. Jewelry and other small valuables

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[1] Fair market value determined by Trustee less liens and exemptions.

shall be delivered to the Trustee at 1715 Monroe Street, Fort Myers, FL 33901, within fourteen (14) days of the execution of this Stipulation. For any larger items, the Debtor shall provide photos (or printed pictures if photos taken digitally) of same, to the Trustee within fourteen (14) days from the date of this Stipulation and shall preserve said assets, without charging the Trustee storage fees, pending sale and deliver the assets to the purchaser(s) presenting a Bill of Sale after sale. If items to be surrendered are sold, or items are disposed of by the Debtor(s) without the Trustee's consent, the Debtor shall be responsible to pay to the Trustee the appraised value of any such item. If items are delivered without coordination with the Trustee's representative and a proper receipt obtained from said representative, any items missing or damaged will be determined and the Debtor shall be assessed for any damage or loss as a result of having left assets with an unauthorized person.

5. In the event any payment is not made, the Trustee shall give written notice to Debtor(s) and Debtors' counsel, at the last address of record. If Debtor(s) fail to cure the default within ten days from the date of the letter, Trustee shall have the right to accelerate the remaining balance due and to file a Motion for Entry of Final Judgment for said sums together with estimated attorney's fees and costs for the need to file an adversary proceeding to deny or revoke the Debtors' discharge. A Final Judgment based on the Motion shall be entered without further notice or hearing. Further, Trustee shall have the right to file suit seeking the revocation or denial of the Debtors' discharge, as appropriate, due to the Debtor(s) failing to comply with the terms of the Stipulation.

DATED this 20th day of October 2016.

HENDERSON FRANKLIN STARNES & HOLT
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(239) 344-1104
Trustee.Rivera@henlaw.com
Attorneys for Trustee

By: ______________________
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